

IN THE UNITED STATES BANKRUPTCY COURT
District of Puerto Rico

In the Matter of:

JANETTE DOMENA MORALES

Debtor(s)

Case No. **13-02679 MCF**

Chapter 13

**POST CONFIRMATION MODIFICATION OF PLAN
AND AMENDMENT OF SCHEDULE J**

TO THE HONORABLE COURT:

The undersigned, attorney for the above-named debtor, notifies the Court as follows,

1. Dated October 1, 2013 the trustee filed a motion requesting the modification of Plan confirmed on August 8, 2013 because the base was insufficient to pay proposed claims after Banco Popular filed his claim for an amount of arrears higher than estimated by debtors.
2. Debtors still want to complete their chapter 13 case although a modification of the plan is indispensable taking into consideration the new circumstances. According to the new proposed plan, payments are as follows
 - a. 6 x 200.00 plus 54 x \$254.00 for a total base of \$14,916.00. Plan period extends for 60 months as the previous one.
3. Expenses in Schedule J have been adjusted to provide for the new payment mainly in gasoline expenses and food.

NOTICE

TAKE NOTICE that within twenty one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted or decided without actual hearing unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

WHEREFORE, we respectfully request from this Honorable Court to take notice of the informed above, grant our motion to modify confirmed plan with the new one dated November 4, 2013.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of this motion has been filed with the Clerk of the Court that will send notice to the Chapter 13 trustee Alejandro Oliveras Rivera and all parties subscribed to the CM/ECF system. All other non participants have been notified on this date with a copy of the motion regular mail using the US Postal Service, as per Master Address List attached.

In Vega Baja, Puerto Rico, this day November 4, 2013

**s/ Juan O. Calderon Lithgow
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ATTORNEY FOR DEBTOR, 205607
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IN RE: **JANETTE DOMENA MORALES**BK. CASE # **13-02679** **MCF**

P178 CALLE 10 URB VILLA EVANGELINA, MANATI PR 00674

CHAPTER 13

DEBTOR(S) SSN: XXX-XX-4245 SSN: XXX-XX-

CHAPTER 13 PAYMENT PLAN

PCM OF PLAN

NOTICE: * The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When confirmed, the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the Court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty (20) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections must be filed and notified in the same manner within twenty (20) days from its notification. * See the notice of commencement of case for 341 meeting date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee:
☐ directly ☐ by payroll deductions, as hereinafter provided in the PAYMENT PLAN SCHEDULE.
 2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.
☒ 3. The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

PLAN DATED:

☒ PRE ☐ POST-CONFIRMATION☐ AMENDED PLAN DATED: 11/4/2013FILED BY ☒ DEBTOR ☐ TRUSTEE ☐ UNSECURED CREDITOR

I. PAYMENT PLAN SCHEDULE

\$ 200.00 x 6 = \$ 1,200.00
 \$ 254.00 x 54 = \$ 13,716.00
 \$ x = \$
 \$ x = \$
 \$ x = \$
 \$ x = \$
 \$ x = \$
 \$ x = \$
 \$ x = \$
 TOTAL = 60 \$ 14,916.00

Additional Payments:

\$ to be paid as a LUMP SUM
 within WITH PROCEEDS TO COME FROM
☐ Sale of property identified as follows:

☐ Other:

Periodic Payments to be made other than and in addition to the above.
 \$ x = \$

To be made on:

PROPOSED PLAN BASE: \$ 14,916.00

II. ATTORNEY'S FEES

To be treated as a § 507 Priority, and paid before any other creditor and concurrently with the Trustee's fees, unless otherwise provided:

a. Rule 2016(b) Statement: \$ 3,000.00
 b. Fees Paid (Pre-Petition): (\$ 100.00)
 c. R 2016 Outstanding balance: \$ 2,900.00
 d. Post Petition Additional Fees: \$
 e. Total Compensation: \$ 3,000.00

Signed: /s/ JANETTE DOMENA MORALES

DEBTOR

/s/

JOINT DEBTOR

/s/ JUAN O. CALDERON LITHGOW

BY: ATTORNEY

II. DISBURSEMENT MADE IN THE FOLLOWING ORDER AND AFTER ADMINISTRATIVE EXPENSES

A. SECURED CLAIMS: ☐ Debtor represents that there are no secured claims.☒ Secured creditors will retain their liens and shall be paid as follows:

1. ☐ ADEQUATE PROTECTION Payments: Cr. \$
 2. ☒ Trustee will pay secured ARREARS:
 Cr. BPPR Cr.
 Acct. 71010013910925 Acct.
 \$ 10,437.65 \$
 Cr. Cr. Cr.
 Acct. Acct. Acct.
 \$ \$ \$
 3. ☐ Trustee will pay REGULAR MONTHLY PAYMENTS:
 Cr. Cr. Cr.
 Acct. Acct. Acct.
 Monthly Pymt. \$ Monthly Pymt. \$ Monthly Pymt. \$
 4. ☐ Trustee will pay IN FULL Secured Claims:
 Cr. Cr. Cr.
 \$ \$ \$
 5. ☐ Trustee will pay VALUE OF COLLATERAL:
 Cr. Cr. Cr.
 \$ \$ \$
 6. ☐ Secured Creditor's interest will be insured. INSURANCE POLICY will be paid through plan:
 Cr. Ins. Co. Premium: \$
 (Please indicate in "Other Provisions" the insurance coverage period)
 7. ☐ Debtor SURRENDERS COLLATERAL TO Lien Holder:
 8. ☒ Debtor will maintain REGULAR PAYMENTS DIRECTLY to:
 BPPR

B. PRIORITIES. The Trustee will pay §507 priorities in accordance with the law [§1322 (a)(2)].

C. UNSECURED PREFERRED: Plan ☐ Classifies ☒ Does not Classify Claims.

☐ Class A- ☐ Co-debtor Claims: ☐ Pay 100% / ☐ "Pay Ahead".
☐ Class B- ☐ Other Class:
☐ Cr. ☐ Cr. ☐ Cr.
 \$ \$ \$

D. GENERAL UNSECURED NOT PREFERRED: (Case Liquidation Value = \$)

☐ Will be paid 100% plus % Legal Interest ☒ Will be paid Pro-Rata from any remaining funds

OTHER PROVISIONS:

DEBTOR INCOME COMES FROM SOCIAL SECURITY AND TAX
 LANGUAGE IS NOT APPLICABLE.

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